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Regina Barrett, Christopher Harris,
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LAUSTEVEION JOHNSON,

Plaintiff,

v.

REGINA BARRETT, *et al.*,

Defendants.

Case No. 2:17-cv-02304-RFB-BNW

**DEFENDANTS' UNOPPOSED
MOTION FOR AN EXTENSION OF
TIME TO FILE MOTION FOR
SUMMARY JUDGMENT
[SECOND REQUEST]**

Defendants Regina Barrett, Christopher Harris, Julio Mesa, and Timothy Knatz, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Laura M. Ginn, Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby submit their Unopposed Motion for an Extension of Time to File Motion for Summary Judgment. Defendants seek an extension of time from **October 6, 2021** to **November 8, 2021**.¹

I. INTRODUCTION

Defendants respectfully request this Court grant their request to extend the deadline to file the motion for summary judgment. The parties conducted a meet and confer telephone conference on October 1, 2021, wherein the parties agreed to a 30-day extension

¹ This extension to file dispositive motions applies, of course, to Plaintiff as well.

of time to file dispositive motions. This was primarily because of the resignation of Senior Deputy Attorney General (SDAG) Katlyn Brady, the reassignment of this case and subsequent resignation of DAG Amy A. Porray, and the reassignment of this case to the Undersigned. The parties agreed that a 30-day extension was mutually beneficial. Accordingly, good cause exists to grant the instant motion for extension of time.

II. LEGAL ARGUMENT

District courts have inherent power to control their dockets. *Hamilton Copper & Steel Corp. v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v. Sullivan*, 958 F.2d 272, 273 (9th Cir. 1992). Rule 6(b)(1), Federal Rules of Civil Procedure, governs extensions of time:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

“The proper procedure, when additional time for any purpose is needed, is to present to the Court a timely request for an extension before the time fixed has expired (*i.e.*, a request presented before the time then fixed for the purpose in question has expired).” *Canup v. Miss. Valley Barge Line Co.*, 31 F.R.D. 282, 283 (D. Pa. 1962). The *Canup* Court explained that “the practicalities of life” (such as an attorney’s “conflicting professional engagements” or personal commitments such as vacations, family activities, illnesses, or death) often necessitate an enlargement of time to comply with a court deadline. *Id.*

Because of Former SDAG Brady’s and DAG Porray’s resignations, the undersigned DAG has immediately assumed responsibility for additional cases, case deadlines, and responsibilities. Former DAG Porray received one unopposed extension to October 6, 2021 and this is the second request. The undersigned conducted a telephonic meet and confer with Plaintiff on October 1, 2021, to discuss the instant case, and upcoming dispositive motion deadline. The undersigned explained to Plaintiff about the reassignment of the case

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1 and the need for an extension. Plaintiff agreed to the filing of an unopposed motion.
2 Accordingly, good cause exists for an extension of time.

3 **III. CONCLUSION**

4 Defendants' unopposed motion for an extension of time should be granted.
5 Defendants request an extension from the current due date of **October 6** to **November 8**,
6 **2021**. This motion is brought in good faith and not for the purposes of delay.

7 DATED October 15, 2021.

8 AARON D. FORD
9 Attorney General

10 By: /s/ Laura M. Ginn
11 Laura M. Ginn (Bar. No. 8085)
12 Deputy Attorney General
13 *Attorneys for Defendants*

14 IT IS SO ORDERED:

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17 RICHARD F. BOULWARE, II
18 United States District Judge

19 DATED this 16th day of October, 2021.
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 15th day of October, 2021, I caused to be served a copy of the foregoing, **DEFENDANTS' UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO FILE MOTION FOR SUMMARY JUDGMENT [SECOND REQUEST]**, by depositing for mailing via the U.S. Postal Service, to the following:

Lausteveion Johnson, #82138
Warm Springs Correctional Center
P.O. Box 7007
Carson City, Nevada 89701
Plaintiff, Pro Se



An employee of the
Office of the Nevada Attorney General